

RemarksApplication Status and Disposition of Claims

The Office Action considered claim 12-15. With this paper, no claims are amended, canceled, or added. Accordingly, claims 12-15 remain pending in the application with claim 12 being independent.

Applicants note that in the prior Amendment, claim 12 was amended but claims 13-15 were not (though the status identifiers incorrectly listed them as "currently amended.") Thus, claims 13-15 are original.

Information Disclosure Statements

Applicants thank the Examiner for indicating consideration of the information disclosure statements filed December 21, 2009, March 30, 2010, and June 4, 2010.

Specification

The Office Action maintains its objection to the specification because a reference to the PCT application upon which the present application is based is not shown in the first paragraph of the specification.

In an effort to advance prosecution, Applicants have amended the specification to refer to the PCT application upon which the present application is based.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejects claims 12-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bracht (WO 00/64418 and referring to family member U.S. 6,689,379, because WO 00/64418 is in German), in view of Nakano et al. (US 6,117,447). Applicants respectfully disagree with the rejection for the reasons that follow.

As explained in the prior response, the Office appears to misinterpret the teachings of Nakano et al. At column 3, beginning at line 40, Nakano et al. describes its acrylic polymers. So

that there is no question about the passages being referred to, Applicants reproduce the entire text from column 3, line 40 through column 4, line 11.

[1] The above-mentioned acrylic adhesive comprises an acrylic polymer which is exemplified by polymers and copolymers obtained by polymerization of alkyl (meth)acrylate. The alkyl of alkyl (meth)acrylate here is preferably a linear or branched alkyl having 4 to 12 carbon atoms. Examples of said alkyl (meth)acrylate include butyl (meth)acrylate, t-butyl (meth)acrylate, pentyl (meth)acrylate, hexyl (meth)acrylate, heptyl (meth)acrylate, octyl (meth)acrylate, isooctyl (meth)acrylate, nonyl (meth)acrylate, isononyl (meth)acrylate, decyl (meth)acrylate, undecyl (meth)acrylate, **dodecyl (meth)acrylate, 2-ethylhexyl (meth)acrylate** and the like. *This alkyl (meth)acrylate is preferably polymerized in a proportion of not less than 50 wt %, more preferably not less than 60 wt %.*

[2] The acrylic polymer to be used in the present invention may be a copolymer obtained by copolymerizing the aforesaid alkyl (meth)acrylate and one or more monomers from the following monomers.

[3] Said monomer is exemplified by functional monomers having at least one unsaturated double bond in a molecule and a functional group, such as carboxyl group, hydroxyl group, sulfonic acid group, amino group, amido group, alkoxy group, cyano group, acyloxy group and the like, on the side chain. Specific examples thereof include alkoxy-modified alkyl (meth)acrylate monomers wherein the alkyl group of alkyl (meth)acrylate has been modified with a linear or branched alkoxy having 1 to 4 carbon atoms (e.g., methoxy, ethoxy and the like), such as 2-methoxyethyl (meth)acrylate and 2-ethoxyethyl (meth)acrylate; acrylonitrile; vinyl acetate; vinyl propionate; vinyl pyrrolidone; vinyl caprolactam; (meth)acrylic acid; 2-hydroxyethyl (meth)acrylate; styrenesulfonic acid; (meth)acrylamide; 2-aminoethyl (meth)acrylate; and the like.

[4] When a copolymer obtained by copolymerizing an alkyl (meth)acrylate and the above-mentioned functional monomer is used as this acrylic polymer, alkyl (meth)acrylate (60 to 98 wt % preferably 65 to 97 wt %) and the monomer (2 to 40 wt %, preferably 3 to 35 wt %) are preferably copolymerized.

(Emphases and reference numbers added.)

Paragraph [1] above describes the alkyl(meth)acrylate that can be used in polymers or copolymers. The "copolymers" referred to in paragraph [1] are copolymers of the alkyl(meth)acrylates and a "monomer" as described in paragraph [3]. The fact that "copolymers" implies a combination of alkyl(meth)acrylates and a monomer is clear from the last sentence of paragraph [1], which would be unnecessary if copolymers of alkyl(meth)acrylates were contemplated. The fact that Nakano et al. specifically state that the alkyl(meth)acrylates should (P37928 01059265.DOC)

be polymerized in a "proportion" of not less than 50 wt %, more preferably not less than 60 wt %, strongly implies that copolymerization with non-alkyl(meth)acrylates is contemplated.

This conclusion is further reinforced by paragraph [2], which explains that copolymerization includes an alkyl(meth)acrylate and a monomer. The monomer is preferably a functional monomer, examples of which are described in paragraph [3]. Finally, paragraph [4] provides specific proportions of the two components that are preferred. Note that none of paragraphs [1] – [4] provide for a "copolymer" comprising 100% alkyl(meth)acrylate.

The Office Action notes that paragraph [1] discloses both dodecyl (meth)acrylate and 2-ethylhexyl (meth)acrylate and asserts that Nakano et al. intends to disclose copolymers of these two components. Applicants respectfully submit that, as explained above, this interpretation is not supported by Nakano et al.

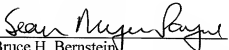
Even taking the Office's interpretation of Nakano et al. as correct, Applicants submit that the combination of dodecyl (meth)acrylate and 2-ethylhexyl (meth)acrylate would have required picking and choosing. For example, Applicants' claim requires 2-ethylhexyl (meth)acrylate and an alkyl(meth)acrylate whose alkyl group is linear and has 6 to 20 carbon atoms. Considering only paragraph [1] above, choosing this combination would require first specifically selecting 2-ethylhexyl (meth)acrylate from the thirteen possible choices, and then specifically selecting a different alkyl(meth)acrylate whose alkyl group is linear and has 6-20 carbon atoms, which further eliminates butyl (meth)acrylate, t-butyl (meth)acrylate, pentyl (meth)acrylate, isooctyl (meth)acrylate, and isononyl (meth)acrylate, leaving only seven of thirteen choices. The chances of this selection occurring randomly are approximately 4% ($1/13 \times 7/13$). Applicants respectfully submit that, absent further guidance, a person of ordinary skill in the art would not be led to the combination suggested by the Office.

Conclusion

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections of record, and allow each of the pending claims. Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

The Examiner is invited to contact the undersigned attorney to discuss any issues that can be resolved by telephone.

Respectfully submitted,
Hiroki LIDAGAWA et al.


Bruce H. Bernstein
Reg. No. 29,027 42,920

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191